

Liber W.C. of the last Will and testam<sup>t</sup> of the said Charles since his death though often thereunto required hath not paid, but the same three thousand nine hundred & fourteene pounds of tobacco to pay hath refused & still doth refuse in hinderance of the Execution of the

p. 92 Last Will & testam<sup>t</sup> aforesaid, whereupon they say they are the worse & haue losse to the Value of Eight thousand p<sup>d</sup>s of tobacco, & thereupon they bring their Suite. And the said Richard & George bring here into Court their Letters testamentory whereby itt may appeare to the Court here that they are Ex<sup>rs</sup> as aforesaid & right haue of Adm<sup>con</sup>.

And the said John Atkey by Robert Ridgely his Attorney cometh & defendeth the force & injury when &c and prayeth liberty to imparle hereunto untill next Provintiall Court, & itt is granted unto him, the same day is giuen to the p<sup>ts</sup> also.

Now here att this day to witt the thirteenth day of ffebruary in the fifth yeare of the Dominion of the right Hon<sup>ble</sup> Charles Lord Baltemore &c Annoq<sup>ue</sup> Doni 1679 came the said parties by their Attorneys aforesaid And the said John Atkey by his said Attorney saith, that the said p<sup>ts</sup> this action aforesaid against him ought not to haue, because he saith that the said Sum<sup>e</sup> of three thousand nine hundred & fourteen p<sup>d</sup>s of tobacco he the said John Atkey according to his pmise hath paid & Satisfied, & this he is ready to averre, & thereupon demands judgm<sup>t</sup> if the said p<sup>ts</sup> their action aforesaid against him ought to haue. And the said Richard & George say, that the said John the said Sum<sup>e</sup> of three thousand nine hundred & fourteen pounds of tobacco according to his promise & assumption above mencōned hath not paid And this they desire may be enquired of by the Countrey And the said Defend<sup>t</sup> likewise Therefore itt is Comāded the Sheriffe of S<sup>t</sup> Maryes County that he cause to come here twelve &c by whom &c and who neither &c to recognize &c because as well &c

On which said thirteenth day of ffebruary in the yeare aforesaid came the said parties by their Attorneys aforesaid And the jurors impannelled being called likewise came to witt Thomas Cosden, George Godfrey, Joseph Tilley, W<sup>m</sup> Thomas, Marmaduke Scmmc, Samuell Holdsworth, John King, James Lewis, Tho: Sedgwick, George Holland, Robert Mason & ffrancis Corbett, who being Elected tryed & Sworne to say the truth in the p<sup>r</sup>misses upon their Oathes doe say, that the said John Atkey the said Sum<sup>e</sup> of three thousand nine hundred & fourteene pounds of tobacco according to his promise & assumption above mencōned hath not paid And they assesse the damage of the said p<sup>ts</sup> to three thousand nine hundred & fourteen pounds of tobacco Therefore itt is considered that the said Richard Marsham & Geo: Lingham Ex<sup>rs</sup> as aforesaid recover against the said John Atkey the aforesaid Sum<sup>e</sup> of three thousand nine hundred & fourteene pounds of tobacco damages by the jurors afore-